



Northern Ireland  
Assembly

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**COMMITTEE FOR THE  
ENVIRONMENT**

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**OFFICIAL REPORT  
(Hansard)**

**Local Government (Miscellaneous  
Provisions) Bill**

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1 October 2009

**NORTHERN IRELAND ASSEMBLY**

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**Members present for all or part of the proceedings:**

Ms Dolores Kelly (Chairperson)  
Mr Cathal Boylan (Deputy Chairperson)  
Mr Roy Beggs  
Mr John Dallat  
Mr David Ford  
Mr Danny Kinahan  
Mr Ian McCrea  
Mr Adrian McQuillan  
Mr Alastair Ross

**Witnesses:**

Mr James Whitten

Ms Julie Broadway                    )  
Ms Angela Fitzpatrick            )     Department of the Environment  
Mr Ian Maye                            )  
Mr Jim Stewart                        )

**The Chairperson (Mrs D Kelly):**

In according with the guidance received, I remind members who are councillors to declare an interest. I declare an interest.

**Mr Beggs:**

I declare an interest.

**Mr McQuillan:**

I declare an interest.

**Mr Dallat:**

I declare an interest, and I will not be participating in the questioning.

**Mr Kinahan:**

I declare an interest.

**The Chairperson:**

Mr Whitten, thank you for coming along.

**Mr James Whitten:**

Thank you for rearranging the evidence session; I was not able to make it to the meeting last week.

I am a retired director of finance for Crawley Borough Council in Sussex. I am making my submission solely as an interested resident and taxpayer. I am not a representative of any political party or other organisation.

I have submitted written evidence to the Committee as part of my response to the public consultation. I want to make a minor change to my submission, where I refer to Dr Hall as the chairman of a working group which reported to the Councillors Commission. Dr Hall was not the chairman of the working group; he was the author of the report.

My submission is in relation only to clause 17 of the Bill, which deals with severance payments to councillors. I do not want to go through all the submission, because the Committee will have already read that. I am looking at the draft Bill, on which the Committee will make comments to the Assembly in due course.

It seems to me that, as it stands, clause 17 confers a power on the Department to make regulations for those payments, but it does not provide discretion to individual councils to determine whether such payments should be made. It appears that the Department has not yet determined what the payments will be or how they will be funded; whether they will come from departmental resources, or from the councils. In either case, it is certain that the taxpayer will pick up the bill through either the local council tax or the charge that is made from the centre.

Therefore, it is important that local councils be given the opportunity to have their own view on this matter, rather than it being prescribed to them. The working group report on councillor remuneration found that when a severance scheme was introduced in Wales in 2003, individual authorities had discretion as to whether they implemented such a scheme, and some did not. In Scotland, however, the centre directed that payments would be made. A choice has to be made, and the legislation ought to provide the opportunity for local influence to be brought to bear. I am not a parliamentary draftsman, but I think that clause 17 should include an element of local discretion.

The public are concerned about the cost of, and the justification for, the severance scheme. The review of public administration (RPA) proposed a substantial reduction in the number of councils. Originally, the number of councils was going to be reduced to seven, with a reduction of around 160 councillors. That was supposed to happen in 2008; however, given the local revisions, we are now looking at 11 councils and a reduction of 120 in council posts.

It is pertinent to reflect on the situation that existed before devolution. The fact that there are now 108 MLAs involved in public administration must also be taken into account. The overarching number of public representatives for which the taxpayer pays is being reduced by only 12. That does not warrant a severance scheme, and it certainly does not warrant one that has been estimated to cost from £2 million to £5 million, as was considered in the consultation paper.

It is also relevant to compare the situation here with the substantial reorganisation that has taken place in England. In April, seven county areas in England, with a combined population of 3.2 million residents, were reorganised so that the original 44 county and district councils became just nine unitary councils. All of those authorities undertook a broader range of services than most of the 26 district councils in Northern Ireland. It is interesting to note that there were no severance payments for the councillors who stood down. An analogy can be drawn from that.

Perhaps more importantly, given the present state of public finances, it appears to be somewhat of an extravagance to go ahead with a severance scheme which was first proposed in 2005. Public finances were more buoyant then than they are now. As we all know, the world has moved on financially. Front line services are now under greater pressure, and there can be little justification for incurring additional major costs through a severance scheme. I am asking that clause 17 be deleted; however, that is a matter for the Assembly to consider.

I do not want to finish on that note, because councillors provide a valuable service to their communities, and their contribution to public life should be recognised. Local councils have been doing just that for a very long time, and my view is that they should be left to make their own arrangements, as the cost to the public purse would be much more modest.

**Mr McQuillan:**

You say that the local councils should make the arrangements. Will you elaborate on that? In which way do you see that happening?

**Mr Whitten:**

Every council has its own arrangements for celebrating the service of councillors who leave following an election. The ultimate accolade that can be given to someone who has given exceptional service over many years is the freedom of the borough or equivalent for whatever type of council it is. However, there are other ways in which people's contributions can be rewarded. Lots of organisations reward long service with a memento of the person's time working there, such as a bowl engraved with the coat of arms or a silver salver.

**Mr McQuillan:**

Someone who serves on a council for 30 years or more will have given up a lot of their family life. I have served two terms on my local council, and my son has grown from a four-year-old to a 16-year-old in that time. I have not seen him, and I hardly put him to bed at night even once. I do not think that being presented with a glass bowl would be worthwhile after all that.

**Mr Dallat:**

I have no sheep to graze in the town centre. *[Laughter.]*

**Mr Ross:**

Part of the idea behind the severance package is to reward long service. However, another reason is to encourage people who are not going to stay in local government to move on and make way for new blood to build capacity for when the new councils go live. In previous weeks, I have said that the window for the severance package should be shorter, so as to encourage people who have no intention of standing again to leave local government and let new people in. Making sure that the new councils have the adequate capacity when they go live is a big issue. The severance scheme is partly aimed at doing that. How do you see councils being able to build capacity with new members, and getting people who do not want to stand again to move away, without it?

**Mr Whitten:**

That is a relevant point. The first thing is divide responsibilities between the Assembly and local councils. I noted that quite a lot of Members had to declare an interest because they wear two hats. That is the first thing: to free up room for new blood to come in at local council level. In Wales, part of the justification of the scheme was just that. However, anecdotal evidence of the Welsh experience showed that there was not much change in the age profile of members of the authorities after the introduction of the severance scheme. The majority of local councillors, particularly in England and Wales, are older, maybe because they have more free time to contribute.

To some extent, the severance scheme is a disincentive to existing members who may want to serve one of the new authorities. Some of those people may take the money rather than lending their long experience to the new authorities. That may happen if the scheme is too generous, so a balance has to be struck. It is down to individual members to make their own value judgements. I do not have any specific suggestions on how to get younger people and new blood into councillors' roles.

**Mr Ross:**

I do not want to appear ageist. I was not necessarily saying that younger people should be brought in. I was just talking about the people who will be there, because —

**The Chairperson:**

New faces.

**Mr Ross:**

Yes. A certain amount of training is needed because the new councils are going to have new powers. It is not necessarily about younger people.

**Mr Whitten:**

No; it is not. In your earlier discussion, the point was raised about the equality agenda and involving a broader cross-section of people in local councils and other organisations. I refer the Committee to an excellent report that was produced for the Councillors Commission in England. It addresses that very issue, particularly with reference to getting women into community empowerment and involving minority ethnic groups in what goes on in their communities. There are things in there that could be done. Access to community empowerment is the problem. All councils need to reflect on how they acquire new people to stand for election.

**Mr Boylan:**

Dr Robert Eames received the freedom of Armagh city, and I do not see him chasing sheep round the Mall every Saturday morning, which was the tradition.

You referred to other areas, but I think that the North is unique in what it has gone through. I was a councillor, and I will not be receiving any payment. I am co-opted now. The amount of work must be put in context. I worked nights, which Mr McQuillan referred to. Outside of severance pay, what else can be given to those councillors for all the work that they have done down through the years? I am glad that you did not finish on your proposal to take the severance package out altogether. How can those people — some of whom have given 30 years of their lives — be compensated? You can talk about Wales, Scotland and elsewhere, but the North is unique.

**Mr Whitten:**

That has been addressed through the remuneration package, which reflects the time that people devote to local council duties in the wider sense. The basic allowance system that was introduced in the 1990s was designed to reflect the time commitment involved in undertaking those duties.

**The Chairperson:**

I have to tell you that it is well below the minimum wage.

**Mr Boylan:**

I do not think that the public have the right perception about the amount of hours that councillors put in. A lot of good work has been carried out, despite what has gone on in the media for the past 12 months, and that has to be appreciated.

**Mr Whitten:**

Certainly. I know that, because I have worked in the system.

**Mr Kinahan:**

I take on board the current climate and all that has been said in the media. I did not plan, five or six years ago, to be a politician. I was asked to join a council and thoroughly enjoyed it. However, I cannot believe how much work councillors put in. I was told that it would take up a day a week, and maybe one evening.

**The Chairperson:**

I was told that too.

**Mr Kinahan:**

However, it ended up being two full days and every evening, plus attendance at other events. What staggered me was the fact that there were people there who had done that for 30 years — most of that time without any pay. They now get some pay, although it is a tiny amount for the pressure, the time and the effect on family life. I saw the severance package as working through for councillors with long service. There is no pension system. A gold watch or an etched bowl is almost the biggest insult possible. I worked at Shorts for three years and saw people being given a gold watch after 40 years' service, and I was appalled. However, they did get a pension. They had had a career and they had had a job all their life, and all that must be borne in mind.

Wales and England have different payment systems. I am nervous about the idea of leaving it to councils because then they end up with pressure from the press, which distorts all that goes on. I take Mr Whitten's point: yes, we must look at the severance package, but I am afraid that we need to praise the old councillors — "old" is the wrong word; I mean those who have given long service and have given lots of time.

**Mr Whitten:**

Of course, that point is relevant. However, as I understand it, the severance scheme is a one-off payment and will not continue, while your point applies in perpetuity.

**The Chairperson:**

Yes, it is. At risk of running afoul of any guidance on the contribution that I am allowed to make, although the severance scheme is a one-off, there will be different payment structures with regard to ongoing financial reward for people who choose to enter public life. Therefore, there is a difference between the situation in the future and that of the past.

Mr Whitten, thank you for your presentation; your points were well made. I hope you feel that you have been heard. We will see how the Bill proceeds in its Committee Stage and in the Assembly.

We have a letter from the Rural Community Network outlining its views on the Bill. We also have the Northern Ireland Council for Voluntary Action's views on the Bill, presented after I spoke at the local government event that it hosted on 16 September. As I reported to the Committee last week, I spoke at the annual general meeting of the National Association of Councillors (NAC) last Friday evening. The major concern there was around finance and whether there is enough money to see through the RPA. As additional powers are moving across to local councils, the NAC is concerned about whether the appropriate budgets will move across. The Committee may want to put that to the Department, either this morning or by writing to the permanent secretary or the Minister.

**Mr Boylan:**

I agree. The issue of the funding package is raising its head, so we must try to get some answers.

**The Chairperson:**

We also have letters from the Women's Ad Hoc Policy Group on the gender breakdown of statutory transition committees. We could incorporate the key issues raised in those letters into the Committee's report on the Bill. We could also forward the letters to the policy groups on the RPA, and to local councils. It will be a matter for political parties as to who they nominate at council level to sit on the committees.

**Mr Kinahan:**

That is the way to deal with the issue — leave it to the councils.

**The Chairperson:**

We have an updated table which outlines each clause of the Bill and explains the issues that have been raised in submissions to the Committee. We have an opportunity to consider each clause and decide whether we are content with them as drafted or need to get further information or seek amendments. Officials are present to provide an overview of clauses 9 to 17 and 20 to 23, which relate to reorganisation, and to answer any queries that Committee members may have on the clauses.

I welcome Ian Maye, the deputy secretary from the Department, who was mentioned earlier; Julie Broadway, a grade 7 officer in the local government policy division; Jim Stewart, a deputy principal in the local government policy division; and Angela Fitzpatrick, a deputy principal in the local government policy division. I invite you to take us through each clause, explaining briefly what they mean in practice, and take any questions that members have on a clause-by-clause basis.

**Mr Ian Maye (Department of the Environment):**

I want to make a couple of opening points before I pass over to my team, who will deal with the detail of the issues. I will be involved throughout the discussion.

Important points were just raised about the funding of the programme, whether it would go ahead on time and whether it was worth taking forward. Those questions are increasingly being asked, and the Minister is aware of them. As members know, the Minister is going round each statutory transition committee, and those issues are being put to him.

On the issue of funding, we have almost completed a full economic appraisal of the programme. That is a major piece of work, on which we have been supported by PricewaterhouseCoopers (PWC). We will bring that to the strategic leadership board on 16 October. It needs some polish applied to it, but it demonstrates that if certain choices are made — made by you, as politicians — the programme will yield significant future cash and non-cash benefits for citizens, ratepayers and taxpayers. Critically, however, those dividends will only be delivered if choices are made over the next few months about how local government will be

brought together from May 2011 and beyond, and what it does in that period.

The strategic leadership board will be faced with some important issues. We look forward to having a full discussion with the board. The Minister will want to take those views away and present them to the Executive. The next stage in the process will be to take a proposal to the Executive: first, to get their continued commitment to delivering the programme — my Minister is absolutely committed to that; and secondly, to tie down how it will be funded. We need precise information on funding mechanisms, and we need clarity on that before the beginning of the next financial year. The statutory transition committees will need that information and will need to know where the money is coming from to get the job done.

Those are the general points that I wanted to make. Things are beginning to come to a head, and we are reaching a point in the process where we will be taking concrete advice to the Executive so that they can agree a funding mechanism and a funding programme to take the work forward. Today, we are talking about the detail of the Local Government (Miscellaneous Provisions) Bill, which will also take that work forward, particularly since it gives us the enabling provisions to put the statutory transition committees in place.

Increasingly, as we move the programme forward, the statutory transition committees will make key decisions and take forward key work at the local level to bring the new councils into being. They will modernise the councils, drive out efficiencies and savings in the long term and drive out improved services for citizens. It is critical that the transition committees be set up at the earliest possible opportunity next year to deliver the programme. My Minister is absolutely committed to that; he will take the package to the Executive and seek their continued support for the programme. I know that he has had discussions with individual Executive colleagues over the past few weeks and that they are committed to taking this forward.

**The Chairperson:**

Thank you for your presentation. Those are important points to make, and it was important for us to hear them. We look forward to seeing the outworkings of the economic appraisal. However, previous Ministers gave commitments to ensure that the representation on the statutory transition committees would be subject to checks and balances. Some parties are not represented on some councils, and I am sure that members of other parties would like to hear how that will be addressed, because it is not addressed in the legislation before us today.

**Mr Maye:**

That is one of the issues that we want to explore in detail with the Committee. The Minister was conscious that the then Minister had asked policy development panel A, which focuses on the governance arrangements for the new councils, to consider how the governance package that the policy panel agreed and brought to the strategic leadership board could apply to the statutory transition committees, and could ensure, as far as possible, that there was proper proportional representation on those committees. The panel recommended that the new model, which was designed for the 11 new councils, should be used to the maximum extent possible in populating the new statutory transition committees. The detail of that model will be in the local government reorganisation Bill. This Bill gives us the first taste of what that will be.

The policy development panel's core proposals, which have been agreed by the strategic leadership board and which the Minister is taking to the Executive in the local government reorganisation Bill, involve tying down the mechanisms and providing flexibility and options for the new councils to choose from three models in particular: d'Hondt, Sainte-Laguë and single transferable vote (STV). The flexibility to choose the precise method of applying d'Hondt, Sainte-Laguë and STV is reduced, and we do the same as is the case in the Assembly. The subordinate legislation that supports the new governance arrangements will specify in detail how those mechanisms will be applied. It will then be for the new councils to choose which allocator method meets their needs, and that choice will be a matter for political discussion in each council.

That is the broad model, and there is a lot of detail around how it will work. The Department is seeking to bring the elements of that model into the construction and composition of the statutory transition committees, so that they operate in almost a shadow sense, and use to the maximum possible extent the governance arrangements that will apply to the new councils.

**The Chairperson:**

It might be useful for the Committee to receive a briefing paper on that at an early stage.

**Mr Maye:**

We will be very happy to do so.

**The Chairperson:**

Thank you.

**Ms Julie Broadway (Department of the Environment):**

Clause 9 defines certain terms that are used in Part 2 of the Bill in relation to the provisions of local government reorganisation. Clause 10, “Control of disposals and contracts of existing councils”, sets out a system of controls on disposals of land and capital and non-capital contracts being entered into by the current 26 district councils in the period leading up to their dissolution and the establishment of the 11 new district councils. The Department will have powers to direct that councils must, from a specified date, obtain consent from their statutory transition committees before engaging in the specified activities, subject to minimum thresholds. Those activities are disposing of land and entering into capital and non-capital contracts.

**The Chairperson:**

A number of councils have raised concern about that. You may have heard the issue of veto raised earlier in the meeting.

**Ms Broadway:**

Yes.

**The Chairperson:**

What cognisance is the Department taking of the presentations and submissions which Belfast City Council and Omagh District Council?

**Ms Broadway:**

It is important in the run-up to reorganisation that statutory transition committees be given a right to have some view on the disposals of land and contracts. After all, contracts that are entered into now could affect all of a new district. That is why the Department thinks it important that the statutory transition committees should have a view.

**Mr Maye:**

That view came directly from one of the policy development panels. The panel was conscious that, because we are not going to have a shadow period, that the statutory transition committees, which will be asked to strike the rate for the new councils for their first year and set their budgets,

need to have some control over spending, particularly in the constituent councils' last year. It is, in a sense, protecting the interests of the new councils in that first year, and acting almost as the angel on their shoulder watching over the existing councils, and, to a degree, bringing some control and coherence to the preparations for the new councils.

**The Chairperson:**

Some people are not of the view that there are many angels sitting on shoulders. *[Laughter.]* More like a monkey on your back.

**Mr Boylan:**

Obviously, there are corporate plans and projects ongoing. What are we looking at with regard to time frames and vetoes? Obviously, we are looking at putting the Bill through, but I am sure that there are councils that are trying to get projects up and going. There are obviously concerns. Last week, I mentioned one end of the district compared to the other. But what is the time frame? When can that start, when will it stop, and is it part of the ongoing work?

**Mr Maye:**

It is very much so. Individual councils are bringing their capital programmes and individual projects to transitional committees, not with a view to the transition committee having a veto in its current voluntary phase, but to share information, and to make sure that everybody is comfortable that that project or programme makes sense in the run up to the creation of the 11 new councils in May 2011.

The Minister's intention is to put in place the new statutory transition committees as early as possible in 2010. We have issued guidance to the existing voluntary transition committees and set out a fully detailed implementation timetable, which we will be adding detail to as time goes on. However, some of the key tasks that we have asked those transition committees to deliver can only happen when the statutory transition committees come into being and assume their new powers.

The first critical task for each committee is to appoint a chief executive designate. The view that we are getting from the strategic leadership board, the policy development panels, and across the sector, is that it is important to get that person in post as early as possible next year. The current intention is that the statutory transition committees will appoint chief executives designate

for the new councils by around March next year. Therefore, it is important that those committees are in place before that so that they can take control of the selection process and make the final choice as to who they want to take charge of their new council. That is the starting point, and we want those chief executives designate in place as early as possible.

The last year or 14 months in the run up to May 2011 is absolutely critical in converging the work of the existing councils, for bringing together programmes, and for looking at the systems and human resources issues. The statutory transition committees needs to play a very strong role in driving that process, supported by the chief executives designate and the new senior management teams designate, and working with the existing teams and the existing councils. Increasingly, however, the statutory transition committees will be providing the glue that holds those preparations together.

**Mr Beggs:**

I declare an interest as a local councillor. I can see that the transition committees are a reasonable mechanism to regulate future investment that has implications for future councils and in allowing some projects to go forward. I understand that, at present, the Department has to approve significant investment. Could the Department regulate such significant investment without giving that authority to the transition committees? Does the Department have the power to refuse any major new investment because the councils are going through a period of change? Will the Department continue to have a role, and could it regulate that without the transition committees?

**Mr Maye:**

In theory, it could. However, I think that it would be quite difficult for the Department to take a view, based on what is happening at local level, on whether there was a specific need for a project to be taken forward. Some of the work that is already under way needs to be carried forward and completed.

In a sense, the proposition that the Minister is putting on the table is for the statutory transition committees and the Department to play a role in the process, to provide the necessary checks and balances and ensure that the decisions made are in the interest of the new council and are fully considered, not only by the individual councils within the current 26 councils, but by the transition committee. When those projects come to the Department, they come with the benefit of that consideration. We think that the transition committee considering a proposal makes sense

in the context of the new council, and makes it easier for the Department and the Minister to decide whether a loan sanction is provided. Equally, if there is no agreement, that puts the Minister and the Department in a position to consider whether a loan sanction is not granted for a particular project.

**Mr Beggs:**

Do you need to legislate for that? In the future, could the Minister or the Department decide that if councils wish to have major capital expenditure approved, the Department will have to be satisfied that it is a reasonable investment and that there is support in the transition committees? Could that be regulated without the need for legislation?

**Mr Maye:**

The difficulty with the system that is currently available to the Minister and the Department is that it is difficult to enforce. The ultimate sanction is the withholding of loan sanction, as the project cannot then go ahead. Equally, however, that could give rise to legal issues and the Department could be challenged by an individual council in those circumstances.

The Department feels that the transition committees must be given a statutory role in the process, because of the nature of the work that they are being asked to deliver for, and in advance of, the new council. *[Inaudible due to mobile phone interference.]*

Indeed, concerns have already been raised by neighbouring councils within the transition committees that things are happening that really should not be happening, and that liabilities could be incurred that carry forward into the new councils. It was with those issues in mind that the Department suggested both statutory provision and the backstop of strong intervention by the Minister through the loan sanction arrangement.

**The Chairperson:**

Mr Dallat, did you indicate that there was interference in the hearing loop system?

**Mr Dallat:**

I could not hear a word that was being said. Someone's mobile phone was going constantly.

**The Chairperson:**

Can everyone please turn their mobile phones off? They are interfering with the hearing loop system. Phones must be turned off and should not be on silent or on divert.

**Mr Ford:**

First, I must apologise for being out of the room, and for now being in the position of having to redeclare my interest as a member of Antrim Borough Council. Secondly, and in the context of clause 17 I also state that, as an MLA, I do not expect to take advantage of any severance payments.

Mr Maye, you appeared to refer to the benefits of the Department consulting the transition committees, and yet clause 10 of the Bill prescribes that they will be given statutory powers of veto. I cannot disagree with a word that you said about the benefits of the transition committees being consulted, but I can conceive of a situation where the majority of a transition committee might take a short-term view of an investment that was felt to be quite important by representatives of a minority council within that committee.

You also appeared to downplay the fact that the Department, in exercising its loan sanction decision, actually has the ultimate play, which we have all understood that to be the statutory position for many years. You almost implied that loan sanction did not really count, because it could be legally challenged, but also suggested that the provisions of clause 10 could not be challenged in such a way.

**Mr Maye:**

There is always a risk with the current loan sanction regime. The Department must demonstrate that it has good reason to turn down loan sanction for a project, because a project will only have been forwarded by a council after full consideration of its merits. We feel that we need a bit of both. We need to be able to use the loan sanction arrangement to the maximum degree possible as a control mechanism, but the statutory transition committees must also have a strong role in the process — not just a consultative role but a strong role.

However, I take the Member's point that that could militate against some councils in a particular group, and I am very happy to take away any ideas the Committee has, and discuss those ideas with the Minister and the policy development panel concerned. We believe that we

have a reasonably balanced package on the table, but we welcome any proposals that the Committee may have to make that package even better.

**The Chairperson:**

The Committee may come back to you on that.

Clause 1(3) says that clause 1 will apply to contracts entered into after 22 June 2009, and that date has now passed. Does the Department have another date in mind for that?

**Mr Jim Stewart (Department of the Environment):**

As was mentioned last week, the Department is considering omitting that clause from the Bill, subject to ministerial agreement. When the Bill was originally drafted, the Department envisaged that some risk-management contracts could have been let in the intervening period between the Bill's being introduced and its being passed. Those contracts have slipped a little, so that date is not a key date and, with the Minister's approval, we hope to be omitting that particular provision.

**Ms Broadway:**

Clause 11 clarifies the powers of statutory transition committees when giving consent for the purposes of a direction, and makes provision for contracts where the consideration is not wholly in money. Where the value of a consideration is questioned, and the council and the statutory transition committee fail to reach agreement, the Department will have the power to determine the value of the consideration.

Clause 12 provides that a statutory transition committee considering an application from a council for a disposal or contract shall take into consideration any other disposals or contracts undertaken by the council from a date specified in a direction from the Department.

**The Chairperson:**

Has the Department indicated yet when that date might be?

**Ms Broadway:**

No, not yet.

Clause 13 covers the contravention of directions. It provides that, where an existing council

makes a disposal or enters into a contract without obtaining the consent required under the terms of a direction made by the Department, the disposal is void and the contract cannot be enforced against the successor council.

**The Chairperson:**

Belfast City Council commented on that. Do you have a note of that?

**Ms Broadway:**

Yes, I have a note of it, and we are seeking legal advice. We will come back to the Committee on the issue of voiding.

**The Chairperson:**

Yes. You can come back to us on that.

**Ms Broadway:**

Clause 14 provides that the Department shall, by regulations, establish a statutory transition committee for each of the new councils and that such a committee will be a body corporate. The regulations will provide that statutory transition committees will consist of members of predecessor councils, and may provide for the appointment of the chairpersons and other members of the committees; their tenure of office; procedures to be followed; the payment of allowances to committee members; and the making available to committees of the facilities, staff and premises of existing councils.

The clause also enables the Department to make payments to committees, and provides that they are local government bodies for the purposes of account and audit. That relates back to one of the points raised earlier. The Department will apply the same provisions on accounts and audit to transition committees that it currently applies to councils.

**The Chairperson:**

There is significant unease about the shotgun weddings that are being proposed. For example, some of the larger councils, such as Derry, and some of the smaller councils, such as Strabane, are concerned about equal representation. Does the Department have a view on that?

**Mr Maye:**

Those views were very carefully considered by policy development panel A, which considered a number of options. The proposal that the panel brought back was to stick with equal representation across the council groups. The panel felt that that was the best and most defensible option. It felt that none of the alternatives offered a better solution.

That was taken before the strategic leadership board. It was also taken back into Department leadership structures to be validated. That is the view that we have taken forward, and the model that we have applied to the construction of the current voluntary committees, and the one that we propose to apply to the new statutory transition committees.

**Mr Ford:**

I cannot find reference in the Bill to the specific definition of “predecessor council”. What happens to the representation of people from what one might call greater Dunmurry or greater Cregagh in the context of the new Belfast council? It is clear that, for 10 councils, there is no issue as to what the predecessor councils are, but it seems to me that setting up a transition committee for Belfast which ignores the interests of those who currently live outside the city of Belfast is not the way to provide good governance for those suburbs.

**Mr Maye:**

To a degree, the issue is linked to how the new council boundaries will be settled. As you know, the Minister is currently considering the Local Government Boundaries Commissioner’s report. In the not-too-distant future, he will bring forward a paper to the Executive and an Order to the Assembly. That complicates the issue a little. We recognise, however, that the two councils and the two transition committees will need to work together, because there are a number of issues.

First, there is the issue of how the interests of citizens and ratepayers who are due to transfer to the new Belfast council area are represented. Service delivery issues need to be considered, and those people need a mechanism that ensures that their voices heard are through their elected representatives. We are considering that issue.

Secondly, there are significant assets and liabilities in the ownership of Lisburn City Council or Castlereagh Borough Council that are due to transfer to the new Belfast council. Again, there needs to be a mechanism for discussion about what will happen to those assets and liabilities and

about the impact that decisions about them will have on service delivery, not only in the area that is being transferred but in the area that is not.

For example, Castlereagh's major recycling and waste management facilities are located in an area that is due to transfer to the new Belfast council area. How then will the new council for Castlereagh and Lisburn deliver those services to the areas of Castlereagh that are not transferring? The two council groups and the two statutory transition committees must consider, discuss and negotiate those types of critical issues.

On one level, all those issues can be dealt with by negotiation and through detailed discussion between the two statutory transition committees. This is really the only area where two neighbouring committees will have to work closely together. It is not just an issue for the elected representatives in the areas that are moving; there are broader service delivery and legacy issues to deal with.

Equally, people living in areas that are being transferred to a new council will need to have some sense that their voices are being heard. The Belfast transition committee cannot simply decide how that new population should be served; rather, the existing elected representatives in Lisburn and Castlereagh must be able to express a view on that and the Belfast transition committee must then take that into account when making its decision.

Therefore, we are looking at a number of options, ranging from simply providing detailed guidance — rules of engagement — to manage the discussion between the Belfast transition committee and the Lisburn-Castlereagh transition committee, to putting in place formal arrangements whereby the Lisburn transition committee is represented on the Belfast transition committee. That could involve either people being co-opted to the Belfast transition committee or a subcommittee being formed, drawn from both transition committees and reporting back to both. Something of that nature will be needed in order to allow those discussions to happen — and there is no doubt in anyone's mind that they should happen.

We are considering those options. We are also considering urgently whether the powers that we are seeking in the Bill are sufficient to provide for that degree of co-operation between the two neighbouring transition committees in order to deal with those issues.

**Mr Ford:**

What you have set out is a perfectly logical way of discussing the issues of service delivery and asset management between the two transition committees for the two future councils. However, my question was more about the representation of citizens from the areas that are being transferred. I do not know who is currently on the Lisburn-Castlereagh transition committee or who will be on the statutory committee. The most logical option would be to have councillors representing the areas that will be transferring to the new Lisburn and Castlereagh council area.

How are people being directly represented on the Belfast transition committee, given the vast powers that are being given to it to set the direction for the new Belfast council? That can be resolved only by having representatives on the Belfast transition committee who are from the areas being transferred.

As far as I can see, this is not a significant issue; the only other boundary area that is really affected is a small corner of Banbridge. I suspect that its population does not warrant inclusion in the Newry and Down transition committee. However, there is a clear case for Lisburn and Castlereagh representatives to be on the Belfast transition committee if it is to perform the functions that the Bill proposes to give to transition committees — to set the future direction of Belfast for many years. That cannot be done simply by Lisburn and Castlereagh, with their other priorities, having occasional chats with Belfast.

**Mr Maye:**

That is one of the options that we will consider as part of the process. It is one of the issues that we have to weigh up in the balance.

**Mr Dallat:**

I hope to lighten this discussion a wee bit. Local councillors love their titles — Mr Mayor, alderman, and the cloaks and big chains of office. Has any thought been given to borough status? Earlier, we were talking about freedom of boroughs and being able to graze sheep in town centres. During the last reorganisation in Coleraine, which was way back in the 1950s, the chains of office just disappeared — not that I particularly want one. Is there any thought about that?

**Mr Maye:**

We have been thinking about those issues in relation to the status of the districts themselves —

city status and borough status, because there are issues to address — and also whether we carry forward the alderman structure. If a council area is a borough, we have to think about what to do about the chains of office and all of those issues.

**Mr Stewart:**

Where a council that currently has borough status is coming together with other councils, it is likely that we will include provisions in the statutory transition committee (STC) regulations to enable the STC to decide whether it wants to retain the borough status for the new council district. We are continuing to take legal advice on that matter, but that is the instance. There is one council — I think that it is Omagh and Fermanagh — that will be a district council because neither of those councils have borough status currently. All of the others will have the option of retaining borough status.

Our difficulty is in relation to the cities. Some of the city statuses that have been awarded in the past refer to the borough, and some refer to the previous town. We are having a little difficulty in sorting out the legal implications of that. However, generally it will be a matter for STCs to decide whether they wish to retain borough status for the new local government district, so they will be able to keep their chains of offices, and so on.

**Mr Dallat:**

So there will not be a surplus of mayors or mayoral cars? *[Laughter.]*

**Mr Stewart:**

There may well be.

**Mr Boylan:**

I was going to make a remark about the sheep again, but that is OK.

**The Chairperson:**

Well, enough about that. We have too much work to do. Clause 15?

**Ms Broadway:**

Clause 15 provides that the functions of statutory transition committees are essentially — *[Inaudible due to mobile phone interference.]*

It also enables the Department, by regulations, to confer powers and impose duties on committees, in particular concerning the making of district rates and the appointment of staff.

**The Chairperson:**

Or, indeed, redundancies. There will be redundancies in the new councils. They will not need all these directors.

**Mr Maye:**

*[Inaudible due to mobile phone interference.]*

It will then be for the existing council and the statutory transition committee to determine who is accepted for severance. The severance payment would be paid on the first day of the new council. That is still being discussed. *[Inaudible due to mobile phone interference.]*

Whether it is in the interests of the existing councils or the statutory transition committees to allow individuals to leave early is a different matter. *[Inaudible due to mobile phone interference.]*

**The Chairperson:**

Are people looking to hedge their bets? Surely, the appointments to the new positions will be made in advance of the first day of the new councils. In effect, there will be too many cooks in the one kitchen.

**Mr Maye:**

*[Inaudible due to mobile phone interference.]*

It is not every member of staff; it is a very small proportion. However, it is still a significant number of people, and choices will have to be made about where they fit in the organisation. *[Inaudible due to mobile phone interference.]*

There will be some jobs that will need to be done in the new councils. *[Inaudible due to mobile phone interference.]*

There will be jobs for a small number of people to wind down the old organisation.  
*[Inaudible due to mobile phone interference.]*

It is quite a complicated mix, and it will come down to detailed negotiation with individuals within the context of the new structure being settled by the statutory transition committee.

**The Chairperson:**

I will wish to return to that issue, because it must be done in the best interests of the ratepayer, as opposed to those of the public servant.

Another phone is switched on, and it is seriously interfering with the Hansard recording. Members, please turn your phones off.

**Mr Beggs:**

Are there any estimates on the cost of the redundancy scheme? Can you provide any guidance on whether the transition committees will have the power to veto new appointments? There is little point in appointing a new chief executive to be in place for 18 months and then be given a redundancy package.

**Mr Maye:**

The working assumption is that the people who are newly appointed by the statutory transition committees will TUPE across into the new organisation to do the job that they have been appointed to do. It is assumed that they will not necessarily be able to avail themselves of packages. The people who are at risk in the current organisations will be eligible to be considered for the severance package. We do not regard the statutory transition committees' appointments of chief executives designate, directors of human resources, directors of finance, or any other such positions that they feel are needed, to be in the at-risk group. Therefore, they will not be eligible for severance packages.

**Mr Beggs:**

What role, if any, will the transition committees have in filling existing vacancies in councils as the RPA date approaches?

**Mr Maye:**

The Local Government Staff Commission has issued a document that puts in place a new vacancy control system, with effect from today. That control system will be exercised and operated by the existing councils.

As time moves on, and as the new statutory transition committees are appointed and take up their roles, there will increasingly be discussions on the filling of vacancies. That will have budgetary implications, and it may mean that a post is filled by an individual who might have to draw down the severance package and leave the organisation in May 2011 or shortly after, so it is legitimate for a statutory transition committee to have a role in determining whether the post should be filled and, if so, how it should be filled. The local government reform joint forum will be considering how, when we reach that point, the statutory transition committees exercise a role in vacancy control in the existing 26 councils, and how those negotiations and discussions happen in reality.

**Mr Beggs:**

You seem to be saying that you see that evolving role being governed by Local Government Staff Commission guidance. Is that correct?

**Mr Maye:**

The current arrangements have been agreed collectively by the local government employers, the Civil Service members who are on that negotiating forum, and the trade union side. The staff commission provides an independent and joint secretariat to that body. In a sense, we are using the staff commission as the vehicle to issue the vacancy control document, because it then attracts the potential use of the Minister's power of direction if a council wilfully ignores the guidance that has been issued. It does not mean that the staff commission has drawn that together: it did some of the legwork at an earlier stage, but the decisions on the final shape of that document were a matter for the local government employers who sit on the local government reform joint forum, and for trade union side. That is where that negotiation and agreement occurred.

**Mr Beggs:**

You seem to be saying that it is the trade unions and senior council officials in the local government employers who are —

**Mr Maye:**

No. The local government employers are represented by elected members and officers from the National Joint Council for Local Government Services and the Northern Ireland Joint Council for Local Government Services, so it has political representation and officer representation.

**Mr Beggs:**

So long as there is no conflict of interest at that level in determining procedures.

**Mr Maye:**

We are very conscious of the potential.

**Mr Dallat:**

I do not want to wander away from the Bill again, but when all of these early retirements, severances, redundancies, enhancements and all are taken into account, is it not the case that no savings will be made?

**Mr Maye:**

We do not think so — not based on the work that has been done so far on the economic appraisal, which, as I said, will be taken to the strategic leadership board. In the economic appraisal, we have identified as precisely as possible the upfront implementation costs, including severance for members, severance for officers, systems costs for designing new systems and putting them in place, and a whole range of other costs that will need to be met in creating the new 11 councils, and balanced them against the areas where savings will be driven out and the potential for savings to be driven out. All of that is set out in great detail in the economic appraisal, which will be brought to the strategic leadership board on 16 October.

The Minister has already said in response to an Assembly question that he intends to publish that economic appraisal. Once there is agreement on the shape of that economic appraisal, I suspect that the Minister will want to make a statement to the Assembly to set out what it means and seek to demonstrate that the programme makes sense for citizens, ratepayers and taxpayers.

**Mr Dallat:**

So we can dispel the rumour that, because of financial restraints, there will be elections next year for another four-year term to the existing 26 councils?

**Mr Maye:**

My Minister's firm intention is to deliver the programme, and that means that there will be elections in May 2011.

**The Chairperson:**

Move on to clause 16.

**Ms Broadway:**

Clause 16 will enable the Department, through regulations, to provide that any local government legislation or rating legislation that applies to an existing council will apply to statutory transition committees, with or without modifications, or that it will not apply in relation to that council or apply with modifications. The clause also defines "local government legislation" and "rating legislation".

The last time we were before the Committee, some concerns were raised that this seemed to be a very wide power for the Department. However, I will explain the Department's intention. We want, as far as possible, to apply the provisions of the current local government and rating legislation to statutory transition committees, with the necessary modifications to set the context. We will modify "council" to "statutory transition committee" and "councillor" to "member".

In relation to disapplying certain bits of the legislation to the current councils, perhaps I can give an example that will demonstrate the Department's intention. Statutory transition committees will be given a specific function to strike the rate for the first year of the new councils. However, the current local government legislation places that duty on councils. Therefore, we need to disapply that provision for the first year of the new councils.

**The Chairperson:**

OK. We will move on.

**Ms Broadway:**

Clause 17 provides that the Department may make regulations for a severance scheme for councillors that would set out when the scheme would be held; the eligibility criteria, such as length of service; the amount of the severance payments; and the method of calculating those

payments. The clause also amends section 4(1) of the Local Government Act (Northern Ireland) 1972 to disqualify anyone who receives a severance payment from being a councillor in the future.

**Mr Ford:**

Sorry Chairperson, I am a bit slow. Can I go back to clause 16 for a moment? Based on what you have just said, what functions will remain with the existing councils after the statutory transition committees are established? It seems to me that that regulation, even in the way in which you outlined it, will mean that, potentially, the councils could have no remaining functions other than to continue to manage existing services, with any significant change being implemented by the transition committees. Therefore, councillors who are not on that committee will have nothing to do.

**Mr Maye:**

The critical issue, and the only area in which we seek to disapply the existing rating legislation, is in relation to the striking of the rate for the coming year, because the responsibility for striking the rate and setting the budget for the new councils when they take up their mantle in May 2011, and for that short period from the beginning of April to the election date, will fall to the transition committees rather than the individual councils. Therefore, for that year alone, the 26 councils will not strike the rate for the year ahead —

**Mr Ford:**

You say that that is the only area, but you have already outlined the issues of approval for capital projects and the appointment of senior staff. Therefore, it is not just about the rate for one year; it is about anything that has significant, long-term implications for the council. When you consider the relatively low level of activity that may require a loan sanction, if that all goes to the transition committee, there is very little left for the existing councils to do.

**Mr Maye:**

That is a consequence of the decision that was taken about a year ago not to have a shadow period but a sharp transition from the old councils to the new ones in May 2011. That, in a sense, transferred the onus for key decisions and actions in that final year, in preparation for the creation of the new councils, to the statutory transition committees. I think that you are right —

**Mr Ford:**

There will actually be a sharp transition from 26 councils to 11 transition committees at some date in the next few months. Some councils will then remain with no significant functions until May 2011.

**Mr Maye:**

That is a fair and valid point. You are absolutely right. The existing councils will continue to deliver and develop services and programmes, but they will do so in the context of the transition committee's work. It is a direct consequence of the decision not to have a shadow period after the election of the new councils. The view that was put to us by the policy development panels and the strategic leadership board, and which the Minister accepted, was that that was a necessary evil in the circumstances of not having a shadow period after the election.

**The Chairperson:**

I have another meeting to attend briefly. I am indebted to the Deputy Chairperson, who will continue the meeting and oversee the formal clause-by-clause procedure. Thank you.

*(The Deputy Chairperson [Mr Boylan] in the Chair)*

**The Deputy Chairperson:**

Do members have any other questions?

**Mr Beggs:**

Mr Maye pointed out that the transitional committees will be given significant powers. Some of us were aware of, and concerned about, the lack of democratic accountability in this new structure as described, and therefore opposed it. Did the Department make everyone else aware of the changes that will result when the transitional committees are established?

**Mr Maye:**

We presented some detailed proposals in the course of the public consultation, which was completed in May. We exposed the views and proposals that came from the policy development panels through the strategic leadership board, and put them out for public consultation. A number of councils and others responded to that consultation.

**The Deputy Chairperson:**

Are we on clause 17, Julie?

**Ms Broadway:**

I have read the responses to clause 17.

**The Deputy Chairperson:**

Do members have any questions about clause 17?

Does the Department have any comments to make about the views expressed by Omagh District Council and the Northern Ireland Local Government Association (NILGA)?

**Ms Broadway:**

The final decisions on severance payments to councillors have yet to be taken. We will feed the comments that have been received to the Minister when making the decisions on the format of the severance scheme and the eligibility criteria.

**Mr Maye:**

The critical issue that the Minister is not yet in a position to determine is the timing of delivery of severance. That depends on continuing discussions that he is having with Paul Goggins about co-option, and the willingness of the Northern Ireland Office to change the law on co-option. Most of the parties would agree that they wish to avoid having a few hundred by-elections in the run-up to May 2011, not just because of cost, but because it would unsettle the political process.

Mr Goggins has yet to tell us what he is prepared to do. Our Minister met him a few weeks ago and pressed the case for a change in the law on co-option — not only for the short term, in order to deal with the transition issue, but as a long-term proposition for local government, given the arrangements that have been agreed for the Assembly. Mr Goggins agreed to consider those issues and bring back some proposals. We got a clear impression that he was not persuaded, at this point, that an early change in the law on co-option would be the way forward. We are still waiting for him to bring proposals to the table.

On the question of timing, therefore, it is not possible to predict whether it will be possible to provide for severance in advance of May 2011, but that is what the Minister would like to

achieve, so that new people can be brought in as early as possible. He is not in a position to make that decision yet because of Mr Goggins's involvement and the decisions that he, as an NIO Minister, has to make.

**Mr Dallat:**

I am a bit confused as to why Mr Goggins remains to be convinced. He must be aware that there has been considerable discussion about double-jobbing. Many of us who find ourselves on councils in which we are minorities desperately want to fulfil the principle of one man, one job, but we cannot do it. What is his reasoning for not doing that?

**Mr Maye:**

He is not persuaded that he can deliver, in the time available, something that represents a fundamental shift in electoral law. He is responsible for electoral matters. That is the way he views the situation at the moment. As a longer-term proposition, his view is that it is potentially deliverable, but only after full public consultation. The short-term nature of what we need to do between now and May 2011 means that he has doubts as to whether significant change to the law on co-option could be delivered in the time available, with full public consultation, and in a way that ensures that the other parties at Westminster sign up to and row behind what is being proposed.

That is the view that he has expressed. I assure you that our Minister has made the strongest possible arguments for an early change in the law on co-option and a longer-term change, as did his predecessor. The arguments have been put. We have shared with the NIO and Mr Goggins the outcome of the consultation that we did in the spring, because it showed very strong support for early severance and for a change in the law on co-option to enable early severance. He has not ruled it out, but he is not persuaded — he has gone off to think about his options and whether there are other ways to allow severance to be delivered before May 2011.

**Mr Dallat:**

I was not talking about severance in particular, because we have to be extremely careful about our comments on that. I was talking about co-option; you are saying that it is not going to happen.

**Mr Maye:**

We do not yet know. However, we understand that Mr Goggins will come back fairly quickly to

put proposals on the table for our Minister to consider, and we look forward to seeing those proposals.

**Mr Ford:**

I know that it is unfair to ask a civil servant to interpret the mind of someone else's Minister, but you are doing so well that I will give it a try. Are we to take it that Mr Goggins does not regard your consultation as being adequate for him to move legislatively?

**Mr Maye:**

That would be a fair inference.

**Mr Ford:**

You also mentioned changing the law on co-option in the longer term, as opposed to merely dealing with the current issues of severance and reducing the number of councillors. I cannot see how your consultation did not cover the short-term issue adequately; whether or not I like the results, I accept that you did the job. Is it because you have also raised the issue of changing the law permanently on co-option?

**Mr Maye:**

No; Mr Goggins and his officials in the NIO feel that such a fundamental change to electoral law for local authorities would require full and explicit consultation. Our consultation did not put forward concrete proposals for changing the law on co-option — it could not, because it would not be within the gift of the Assembly or the Department to do so.

**Mr Ford:**

The responses to the consultation covered that.

**Mr Maye:**

What proposals are put forward and what happens will be the call of Mr Goggins. That means that we have to wait until he puts forward his proposals to the Minister. My Minister has asked him to do that as soon as possible, because he does not want the issue to drift. He knows that parties, individuals, the NAC, NILGA and others want an early resolution so that we know what will happen on severance and co-option as quickly as possible.

**Mr Ford:**

Given that co-option is possible with unanimous agreement from remaining councillors, could the severance package that you are working on be implemented unchanged under the current law if co-option was agreed?

**Mr Maye:**

Yes, it could.

**Mr Ford:**

Therefore, if there was good will from all councillors, we would not need a decision from Mr Goggins. That is a challenge to the 562 councillors in Northern Ireland.

**Mr Dallat:**

It is also an act of faith.

**Ms Broadway:**

We covered clauses 18 and 19 last week.

Clause 20 provides that regulations under clause 3(7), which deals with certification requirements for contracts and the statutory transition committees, are to be made by affirmative resolution. All other regulations are to be made by negative resolution.

Clause 21 defines certain words and terms that are used in the Bill.

Clause 22 provides that clause 3 of the Bill, which provides the power to make regulations concerning certification requirements, and the remainder of the Bill will come into operation the day after Royal Assent. The other provisions in Part 1 will come into operation by means of a commencement Order.

Clause 23 is the short title.

**The Deputy Chairperson:**

Are members happy with those clauses? Do they require any further information or wish to suggest any amendments?

Given that no one has responded, I thank the departmental officials, Ian Maye, Julie Broadway, Jim Stewart and Angela Fitzpatrick. We will now commence the clause-by-clause scrutiny of the Bill, and I want members to pay attention, because this stage is very important.

**The Committee Clerk:**

I remind members that [*Inaudible.*]. If members do not have enough time to discuss certain clauses, they can be parked and come back to at a later date. In the meantime, members can go through the more straightforward ones to see whether some form of acceptable agreement can be reached.

**The Deputy Chairperson:**

If we require further information about any clauses, we can put them on hold.

*Clause 1 (Functions to include power to enter contracts)*

**The Deputy Chairperson:**

There is an issue with clause 1, so are members agreed that we park it until we receive further information?

**Mr Ford:**

Could we agree that we accept clause 1 if the Department were to suggest deleting subsection 3?

**The Committee Clerk:**

Yes, you certainly can do that.

**Mr Ford:**

Then I am quite happy to accept what the Department is saying.

*Question,* That the Committee is content with the clause, subject to the Committee's proposed amendment, *put and agreed to.*

*Clause 2 (Certified contracts to be intra vires)*

**The Committee Clerk:**

The Department referred to a possible amendment to delete subsection 5(a). I do not know whether members have an opinion on that.

**Mr Ford:**

I think that we should park clause 2, because it is a bit more complicated.

**The Committee Clerk:**

In addition, Belfast City Council mentioned clause 2 with respect to *[Inaudible.]*.

**The Deputy Chairperson:**

Do members agree that we park clause 2?

*Clause 2 referred for further consideration.*

*Clauses 3 to 8 agreed to.*

**Clause 9 (Introductory)**

**Mr Ford:**

I had an exchange with Ian Maye about the expansion of Belfast City Council, which is not covered by this clause. I would not be happy to approve this clause today, given that there was talk about the Department looking at its implications. The Committee needs to hear further from the Department.

*Clause 9 referred for further consideration.*

**Clause 10 (Control of disposals and contracts of existing councils)**

**Mr Ford:**

Again, this was a clause about which the Department said that it would welcome the Committee's further thoughts. We should park this clause, too.

*Clause 10 referred for further consideration.*

*Clauses 11 and 12 agreed to.*

***Clause 13 (Contravention of direction)***

**The Committee Clerk:**

The Department's advice is that it is seeking more information.

*Clause 13 referred for further consideration.*

***Clause 14 (Statutory transition committees: constitution)***

**Mr Ford:**

I am not sure about clause 14. To some extent, this hangs on my concerns about clause 9. The Committee needs to park clause 14 until it hears more about clause 9.

*Clause 14 referred for further consideration.*

***Clause 15 (Statutory transition committees: functions)***

**The Committee Clerk:**

There were a range of concerns about this clause, too

*Clause 15 referred for further consideration.*

***Clause 16 (Power to modify existing legislation)***

**Mr Ford:**

Again, this hangs on the same point.

*Clause 16 referred for further consideration.*

***Clause 17 (Severance payments to councillors)***

**Mr Ford:**

Do we have a quorum capable of taking that decision, if members are ruling themselves out on that point?

**Mr Beggs:**

I think that we need guidance on that.

**The Deputy Chairperson:**

OK. Is the Committee agreed to get more information and guidance on that matter?

*Clause 17 referred for further consideration.*

***Clause 18 (Acquisition of land otherwise than by agreement)***

**The Committee Clerk:**

Several organisations had concerns about the width and power of the clause.

**Mr Beggs:**

Someone wanted it widened; was that not it?

**Mr Ford:**

Someone wanted to widen it for other purposes, but the question was whether there had been adequate consultation to cover anything other than waste management issues.

**The Committee Clerk:**

There was an issue with community planning.

**Mr Beggs:**

Yes, it struck me that there was no balance, or anything to demonstrate an overall community benefit, because community planning is not there. Waste is a clear issue where there will be — personally, I am satisfied.

**The Deputy Chairperson:**

OK. Would the Committee like to park clause 18?

**Mr Ford:**

I think that we could agree this clause. The evidence on the lack of consultation showed that we could not widen it at this stage.

*Question, That the Committee is content with the clause, put and agreed to.*

*Clause 18 agreed to.*

*Clauses 19 to 23 agreed to.*

*Long title agreed to.*